

**RESOLUTION NO. 2009-38
MAHDIA VILLAS AT SEDONA ROUGE ZONE CHANGE**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED REZONING OF YAVAPAI COUNTY ASSESSOR PARCEL NUMBER 408-24-071B FROM RS-10a (SINGLE FAMILY RESIDENTIAL) TO L (LODGING), TO PERMIT THE OWNER TO DEVELOP A 32-UNIT LODGING FACILITY WITH PAVILLION TO COMPLEMENT THE ADJOINING SEDONA ROUGE AND SPA FACILITIES

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the provisions set forth in that document attached hereto and incorporated herein as Exhibit A, entitled "*Mahdia Villas at Sedona Conditions of Approval (Revised September 1, 2009)(ZC2008-4 and DEV2008-6)*" constitutes a public record to be adopted by reference pursuant to ARS 9-802 into Ordinance No. 2009-17.

At least three (3) copies of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 27th day of October, 2009.

Rob Adams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit A

CONDITIONS OF APPROVAL

MAHDIA VILLAS AT SEDONA ROUGE

As Approved by the Sedona City Council on October 27, 2009

ZC2008-4 & AP2009-1

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the revised Letter of Intent dated August 11, 2009 and supporting plan documents, grading and drainage plans, landscape plan, as reviewed, modified and approved by the Planning and Zoning Commission and City Council.
2. Within two years of this zone change and development review approval, the applicant shall provide vehicular and pedestrian access from Goodrow Lane to Rodeo Road to the satisfaction of the Director of Community Development and the Director of Public Works and shall have perpetual easements recorded to effectuate this access, and shall have the two affordable housing units modified and rented pursuant to the development agreement and land use restriction agreement.
3. Prior to issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
 - A. Applicant shall provide a recorded, perpetual easement permitting vehicular access for residents along Goodrow Lane to Rodeo Road through the project.
 - B. Applicant shall provide a recorded, perpetual easement for the storm drainage detention facility. The dedication of the drainage easement shall be Class II as defined in the Yavapai County Drainage Criteria Manual.
 - C. Applicant shall provide a recorded perpetual pedestrian easement for the connection between Rodeo Road and Goodrow Lane.
 - D. Applicant shall provide a final grading and drainage plan, including a final report.
 - E. Applicant shall provide a detailed utility plan including all laterals.
 - F. Applicant shall provide a geotechnical report.
 - G. Applicant shall provide a Haul Plan. No dumping is permitted without prior authorization from the City of Sedona Engineering Department.

- H. A City of Sedona right-of-way permit shall be obtained for any work occurring within, or placing anything within, the right-of-way.
 - I. Applicant shall provide a Dust Control plan for review and approval. The plan shall provide, at a minimum:
 - 1. A watering schedule for dust mitigation
 - 2. A road-cleaning schedule, including a schedule for gutter and catch basin cleaning
 - 3. All trucks hauling material into or out of the construction site shall be covered
 - 4. Track out plan
 - J. Applicant shall provide a Neighbor Contact and Response Plan. The plan shall define site signage, which shall include a hotline number.
 - K. Applicant shall provide a Storm Water Pollution Prevention Plan along with the completed NOI application for review. BMP's shall be detailed and a maintenance schedule for all permanent BMP's shall be provided. SWPP measures shall be in place prior to the start of construction.
 - L. Applicant shall provide a detailed landscape plan for review and shall have received approval from the Director of Community Development.
 - M. The site plan, grading plan and landscape plans shall be carefully coordinated and any discrepancies resolved to the satisfaction of the Director of Community Development.
 - N. The services of a qualified tree transplanting company shall be retained. Existing trees to be displaced by the construction of the project shall be identified and any trees that are determined appropriate for transplanting shall be moved to an on-site nursery and adequately maintained so that they can be transplanted back into the project site.
 - O. Applicant shall provide a detailed lighting plan with lighting cut sheets of all exterior lights shall be submitted by the applicant, and reviewed and approved by the Director of Community Development. The lumen calculation table shall also include all exterior sign lights. A maximum of 160,000 lumens is available for all exterior lights in the Mahdia Villas project.
 - P. Applicant shall provide drawings showing the placement and method of screening or painting of all mechanical equipment shall be submitted and reviewed and approved by the Director of Community Development.
4. Prior to the issuance of a Certificate of Occupancy, staff shall verify that all construction is in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission and City Council and meets the following conditions:
- A. All on-site improvements shall substantially conform to the plans on which the grading permit was issued.
 - B. In the construction of ADA compliant pedestrian facilities, ADA grade tolerances should be met.
 - C. All requirements of the Sedona Fire District shall have been satisfied.

- D. Approval to operate certificate from Yavapai County for the sewer and water infrastructure.
 - E. All buildings shall be connected to the City of Sedona wastewater collection system and all applicable capacity and connection fees shall have been paid.
 - F. Applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
 - G. Applicant shall provide copies of all required testing to the Engineering Department.
 - H. As-builts shall be provided in a format acceptable to the City Engineer.
 - I. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
 - J. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.
 - K. All outside lighting shall have been installed in accordance with the approved plans. All lighting sources shall be fully shielded so that the direct illumination is confined to the subject property boundaries and so no light is directed above the horizontal plane. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
 - L. All new and existing overhead utility lines traversing the subject parcels shall be provided through underground installation.
 - M. Exterior paint samples shall be applied to large wall sections of the building for review and approval by City staff and the Planning and Zoning Commission.
- 5. Hours of work, for grading operations, shall be limited to 7 a.m. to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No work shall occur on Sunday.
 - 6. In the construction of ADA compliant pedestrian facilities, ADA grade tolerances should be met.
 - 7. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this development review and preliminary plat approval.